LEVI TELLS OF LAG ON 'HOOVER FILES'

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He Indicates Justice Agency Didn't Know of Existence of Secret Data Till 1975

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WASHINGTON, April 3—Attorney General Edward H. Levi indicated today that the existence of the Federal Bureau of Investigation's secret files on Presidents and members of Congress was not made known to the Justice Department until shortly before he took office last Feb. 7.

About a week before he was sworn in, Mr. Levi recalled at a news conference, he asked his predecessor, William B. Saxbe, about the persistent rumors that J. Edgar Hoover, the late F.B.I. director, had maintained such files in his office.

Mr. Levi said that he was told that the Hoover files "perhaps once did exist, but they're gone. We can't find them."

Immediately after his swearing-in on Feb. 7, he said, he put the same question to Deputy Attorney General Laurence H. Silberman and was told that the F.B.I. did possess such files.

Mr. Levi told a House subcommittee later that month that at least 164 files, marked "OC" for "official and confidential," had included 48 folders containing information, some of it derogatory, on "Presidents, executive branch employes and 17 individuals who were members of Congress."

Data Called Scurrilous

One Government official who has examined the files described some of their contents as scurrilous and vowed that what he had seen would "go with me to my grave."

Asked how and when the files had been discovered by the bureau, Mr. Levi replied, "I don't know the answer to that."

"The question," he went on, "is when [F.B.I.] Director [Clarence M.] Kelley knew of them and when other people knew of them."

The Attorney General's remarks raised for the first time questions about whether the F.B.I. had withheld knowledge of the existence of the long-rumored files from a succession of Attorneys General.

Both Mr. Saxbe and his predecessor, Elliot L. Richardson, have said publicly that they were given assurances by the bureau that the "Hoover files," if there were any, could not be found.

Following Mr. Levi's news conference, his first since taking office, Justice Department officials filled in some of the gaps in the Attorney General's comments.

Suggestion Confirmed

One of these officials confirmed Mr. Levi's suggestion at the news conference that Mr. Kelley, who assumed command of the F.B.I. in mid-1973, learned that the OC files were intact in January, 1974.

But another official maintained that Mr. Saxbe, who was confirmed as Attorney General in December, 1973, and sworn in on Jan. 4, 1974, had been given a personal assurance by Mr. Kelley that the F.B.I. possessed no secret files or dossiers.

The second official said that after Mr. Hoover's death in May, 1972, the files were moved to an office adjoining the director's suite.

The official expressed no opinion as to whether L. Patrick Gray 3d, who became the bureau's acting director that month, had been told about the files, but he said that he believed that William D. Ruckelshaus, Mr. Gray's successor, had not been told, even though "they were right outside his door."

The official said that in the 13 months of Mr. Saxbe's administration, Mr. Silberman made several inquiries to the bureau about the then-rumored files, but was told each time that none existed.

Some Folders Shown

Last January, Mr. Silberman's inquiry was spurred by a report in the Wasdhhington Post of F.B.I. files concerning female acquaintances and drinking prolblems of members of Congress.

Mr. Silberman was then reportedly shown some folders taken from the bureau's regular file room. They concerned members of Congress and were of the sort that are compiled routinely in investigations for security clearances and the like.

Dissatisfied, Mr. Silberman pressed the matter and, in late January, was told that the OC files were in the office of Nicholas Callahan, the bureau's associate director.

Mr. Silberman's discovery occurred after Mr. Levi's conversation with Mr. Saxbe.

The official said that he understood that in addition to Mr. Kelley and Mr. Callahan, at least one other high F.B.I. official had known of the existence of the OC files for at least a year.

One possible explanation for the F.B.I.'s not informing Mr. Saxbe of the files was touched on today by Mr. Levi, who told reporters that it was his "impression that there was some confusion" in conversations between the bureau and the department "as to what is a 8 dossier and what is a secret file."